

Message Text

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ACTION EA-09

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FM AMEMBASSY SEOUL

TO SECSTATE WASHDC PRIORITY 1531

INFO AMEMBASSY TOKYO

C O N F I D E N T I A L SECTION 1 OF 2 SEOUL 0381

E.O. 11652: GDS

TAGS: SHUM PINT KS

SUBJ: CURRENT HUMAN RIGHTS SITUATION

REF: (A) SEOUL 0128, (B) 76 SEOUL 9831

SUMMARY: WHILE THERE NO INDICATION OF FUNDAMENTAL RELAXATION, GOVERNMENT ON SELECTIVE AND TENTATIVE BASIS HAS SHOWN SOME LENIENCY TOWARD DISSIDENTS AND HAS REDUCED OVERT SURVEILLANCE IN SOME AREAS. SOME ARE SPECULATING STEPS INDICATE GOVERNMENT IS CONSIDERING FURTHER RELAXATION. END SUMMARY.

1. IN KOREAN POLITICAL CUSTOM JANUARY AND FEBRUARY OF EACH YEAR TEND TO BE MONTHS OF HEIGHTENED EXPECTATION. THIS IS DUE IN PART TO THE FACT THAT STUDENTS WILL RETURN TO THE CAMPUS IN THE SPRING AND ARE EXPECTED TO GIVE THE CAUSE OF DEMOCRACY A SHOT IN THE ARM OR TAKE THEIR LUMPS TRYING. SINCE IT IS A POLITICALLY QUIET TIME PARK CHUNG-HUI HAS CHOSEN WINTER MONTHS IN PAST TO TAKE MORE LENIENT STEPS INCLUDING PRISONER RELEASE. THIS YEAR EXPECTATION IS GREATER THAN LAST (ALTHOUGH NOT AS GREAT AS TWO AND THREE YEARS AGO) BECAUSE ENEMIES OF THE STATUS QUO FEEL THEIR CAUSE HAS BEEN STRENGTHENED BY RESULTS OF ELECTIONS IN JAPAN AND, ESPECIALLY, IN THE U.S. THEY ALSO FEEL ROKG HAS BEEN PUT ON DEFENSIVE BY SCANDALS WHICH HAVE ERUPTED IN WASHINGTON.

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2. HUMAN RIGHTS ACTIVISTS WE ARE TALKING TO SHARE THIS SENSE OF EXPECTATION, AND MANY ARE OPTIMISTIC THAT THEIR STRUGGLE WILL BEAR FRUIT THIS SPRING. THEY HAVE FAITH THAT ROKG WILL SOFTEN AUTHORITARIAN TENDENCIES OF ITS OWN FREE WILL TO ACCOMODATE TO CARTER ADMINISTRATION'S MORAL POSTURE, OR, IN EVENT ROKG IS RECALCITRANT, THAT CARTER WILL SOMEHOW PRESSURE ROKG TO GET IN

LINE. OBSERVERS SUGGEST THAT IT WOULD BE WISE FOR PRESIDENT PARK TO MOVE ON THIS ISSUE BEFORE STUDENTS RETURN TO CAMPUS AND POINT OUT THAT IN 1974 HE CHOSE THIS TIME FRAME FOR RELAXATION OF POLITICAL CONTROLS. OBSERVERS NOTE THAT PARK DID NOT MENTION HUMAN RIGHTS ISSUES IN JANUARY 12 ANNUAL NEW YEAR PRESS CONFERENCE AND INTERPRET THIS TO MEAN HE IS RESERVING OPTIONS WHILE STUDYING NEW POSTURE ON HUMAN RIGHTS.

3. RECENT DEVELOPMENTS PARTIALLY BEAR OUT THE EXPECTATIONS, ON JANUARY 13, YI SAENG-KUN, DIRECTOR OF AMERICAN AFFAIRS DIVISION, MINISTRY OF FOREIGN AFFAIRS, TOLD EMBOFF THAT ROKG HAD NOT CHANGED POLICY ON ADMINISTRATION OF EM-9 OR OTHER LAWS WHICH HAVE BEEN ATTACKED AS CIRCUMSCRIBING HUMAN RIGHTS IN KOREA. NEVERTHELESS, COMPLEMENTING SLIGHT EASING PRESS CONTROLS (REF A) ROKG APPEARS TO HAVE RELAXED REINS A BIT IN THE LAST COUPLE OF MONTHS, SELECTIVELY AND TENTATIVELY. OVERT SURVEILLANCE AND MANIPULATION APPEAR TO HAVE DECLINED. KIM KWAN-SUK, SECRETARY GENERAL OF THE KNCC, STATES THAT KNCC IS ENJOYING GREATER FREEDOM OF ACTION THAN AT MID-YEAR. HE HAS IN MIND THE SERIES OF CONFERENCES THE KNCC SPONSORED IN NOVEMBER WHERE HUMAN RIGHTS ACTIVISTS SPOKE THEIR VIEWS OPENLY AND WITHOUT SUFFERING REPRISALS. KIM NOTES, ON OTHER HAND THAT KNCC-ROKG DIALOGUE WHICH HAD BEEN GOING ON FOR SOME MONTHS (REF B) HAS FALLEN OFF, THE LAST MEETING OCCURRING WHEN THE KCIA COMPLAINED TO HIM ABOUT RESOLUTIONS OF THE FREEDOM OF MISSION CONFERENCE AT THE END OF NOVEMBER.

4. ONE SET OF KNCC RELATED PROGRAMS WHICH STILL FEEL THE WEIGHT OF ROKG SURVEILLANCE ARE THOSE DEALING WITH LABOR AND COMMUNITY ORGANIZATION OF THE POOR. DIRECTORS OF SIMILAR PROGRAMS
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OPERATED BY THE CATHOLICS, ON THE OTHER HAND, HAVE NOTED A SUBSTANTIAL DECREASE OF OVERT ROKG OBSERVATION OF THEIR ACTIVITIES DURING DECEMBER AND JANUARY. IT IS NOTABLE THAT CATHOLIC ORGANIZATIONS HAVE MAINTAINED A LOW PUBLIC RELATIONS PROFILE WHILE THE PROTESTANT URBAN INDUSTRIAL MISSION'S REV. CHO GOT HIMSELF A FEATURE ARTICLE IN TIME MAGAZINE--AN ARTICLE THE ROKG PROBABLY DID NOT FIND COMPLIMENTARY FOR ITS IMAGE. SUCH THINGS PROBABLY WEIGH IN THE ROKG'S CALCULUS OF SELECTIVE PRESSURE.

5. SINCE NOVEMBER, COURTS HAVE CONTINUED TO DEAL FIRMLY WITH DEFENDANTS ACCUSED OF EM-9 VIOLATIONS, BUT SEVERITY WAS TEMPERED BY THE USE OF SUSPENDED SENTENCES FOR THOSE WHOSE VIOLATIONS WERE MINOR. IN NOVEMBER SUPREME COURT THREW OUT TWO TRIFLING EM-9 OFFENSES ON TECHNICALITIES DEALING WITH QUESTIONS OF EVIDENCE.

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TO SECSTATE WASHDC PRIORITY 1532

INFO AMEMBASSY TOKYO

C O N F I D E N T I A L SECTION 2 OF 2 SEOUL 0381

C O R R E C T E D C O P Y-TEXT PARA 7.

ON NOVEMBER 18, SEOUL APPEALS COURT REDUCED SENTENCES FOR THREE STUDENTS AND SUSPENDED SENTENCES FOR TWO OTHERS. ALL FIVE HAD BEEN GUILTY OF ATTEMPTING TO CIRCULATE A SATIRICAL POEM. ON DECEMBER 21, SEOUL COURT GAVE MINOR DUP OFFICIAL YI SOM-KY SUSPENDED SENTENCE FOR CIRCULATING DUP LEADER YANG IL-TONG'S STATEMENT TO FOREIGNERS LAST JUNE. IN THIS SAME PERIOD, HOWEVER, EIGHT OTHER LESSER OPPOSITION FIGURES WHO HAD BEEN DETAINED IN AUGUST OF 1976 WERE FORMALLY CHARGED WITH EM-9 VIOLATIONS AND THEIR TRIALS MAY BEGIN SOON.

6. TWO MAJOR TRIALS OF PERIOD HAVE BEEN MYONGDONG CASE (EM-9) AND THAT OF KIM CHI-HA FOR VIOLATION OF ANTI-COMMUNIST LAW. APPEALS COURT REDUCED SENTENCES OF MYONGDONG DEFENDANTS BY ABOUT FORTY PERCENT AND GRANTED SUSPENDED SENTENCES TO TWO OF THE ACCUSED. GENERALLY, OBSERVERS FELT DECISION WAS A STEP IN THE RIGHT DIRECTION. SOME FELT ROKG WOULD TEST BEHAVIOR OF TWO NEWLY RELEASED DEFENDANTS BEFORE MAKING DECISION ON FURTHER CLEMENCY FOR MYONGDONG ACCUSED. COURT ADDED SEVEN YEARS TO LIFE TERM POET KIM CHI-HA IS ALREADY SERVING. IT IS DIFFICULT TO SEE WHY ROKG WOULD GIVE THE ELOQUENT KIM ANOTHER CHANCE TO SPEAK TO WORLD OPINION FROM DEFENDANT'S PERCH UNLESS ROKG WAS TOYING WITH IDEA OF IMPOSING DEATH SENTENCE. THIS CASE MAY IN FACT, THEREFORE, CONFIDENTIAL

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REPRESENT ONE IN WHICH ROKG DECIDED TO SHIFT GEARS IN INTEREST OF LENIENCY.

7. READING THESE MIXED SIGNALS CLOSE OBSERVERS OF ROKG ACTION AND PRESIDENT PARK ARE CAUTIOUS. THEY AGREE THAT WHILE ROKG'S BASIC ATTITUDE TOWARD DISSIDENTS HAS NOT UNDERGONE SUBSTANTIAL CHANGE THERE HAVE BEEN BRIGHT SPOTS IN HUMAN RIGHTS IN LAST FEW MONTHS. SYNTHESIZING OBSERVATIONS AND COMMENTS WE CONCLUDE IT MOST PROBABLE THAT ROKG IS CURRENTLY TING CONSEQUENCES OF SMALL CONCESSIONS WHILE CONSIDERING WHETHER TO MAKE LARGER ADJUSTMENT OF RESTRICTIONS ON DISSIDENTS. AT THIS STAGE WE CAN NOT PREDICT OUTCOME.
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Message Attributes

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